

Notice of Allowability	Application No.	Applicant(s)	
	09/965,782	JORDAN, ROYCE D.	
	Examiner	Art Unit	
	Asad M. Nawaz	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 3/6/06.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>herewith</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/5/05</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Philip Tran
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Griggers (REG No. 47,283) on 6/7/06.

The application has been amended as follows:

1. (Previously Presented) An apparatus for sending a message to a wireless device over a wireless network, the apparatus comprising:

a gateway for receiving the message transmitted over an external network in communication with the gateway, the message including a deletion instruction to delete the message if the message is not delivered to the wireless device, for attempting to deliver the message to the wireless device over the wireless network, and for carrying out the deletion instruction by deleting the message, wherein the deletion instruction comprises at least one text command placed within or appended to a body of the message to designate that the message is to be immediately deleted and not maintained in storage for the wireless device by the gateway if the message is determined to not be able to be immediately delivered to the wireless device due to the wireless device not being within service range of the gateway, the gateway recognizing the at least one text command as instructions to implement a particular delivery protocol from a plurality of delivery protocols, where a different delivery protocol is implemented if a different set of text commands are included with the message.

2. (Previously Presented) The apparatus of claim 1, wherein the gateway transmits the message over the external network when the deletion instruction is carried out and returns the message to a sender as being undelivered.

3. (Original) The apparatus of claim 1, wherein the gateway comprises a database for storing the message.

4. (Original) The apparatus of claim 3, wherein the database has a directory structure for associating the wireless device with the message.

5. (Original) The apparatus of claim 1, wherein the message is a text message.

6. (Original) The apparatus of claim 5, wherein the deletion instruction is included in the text message.

7. (Original) The apparatus of claim 1, wherein the deletion instruction is in a header of the message.

8. (Original) The apparatus of claim 1, wherein the external network is the Internet.

9. (Original) The apparatus of claim 1, wherein the wireless device is a pager.

10. (Original) The apparatus of claim 1, wherein the gateway attempts to deliver the message to the wireless device over the wireless network at a predetermined time.

11. (Currently Amended) An apparatus for sending a message to a wireless device over a wireless network, the apparatus comprising:

a gateway for receiving the message transmitted over an external network in communication with the gateway, the message including a deletion instruction to delete the message if the message is not delivered to the wireless device, for determining whether the wireless device is capable of receiving the message, and for carrying out the deletion instruction by deleting the message if the wireless device is not capable of receiving the message, wherein the deletion instruction comprises at least one text

command placed within or appended to a body of the message to designate that the message is to be immediately deleted and not maintained in storage for the wireless device by the gateway if the gateway determines that the message is not able to be immediately delivered to the wireless device due to the wireless device not being within service range of the gateway, the gateway recognizing the at least one text command as instructions to implement a particular delivery protocol from a plurality of delivery protocols, where a different delivery protocol is implemented if a different set of text commands are included with the message.

12. (Currently Amended) An apparatus for sending a message to a wireless device over a wireless network, the apparatus comprising:

a gateway for receiving the message transmitted over an external network in communication with the gateway, the message including a deletion instruction to delete the message if the message is not delivered to the wireless device, for attempting to deliver the message to the wireless device over the wireless network, and for carrying out the deletion instruction by deleting the message and returning the message over the external network, wherein the deletion instruction comprises at least one text command placed within or appended to a body of the message to designate that the message is to be immediately deleted and not maintained in storage for the wireless device by the gateway if the gateway determines that the message is not able to be immediately delivered to the wireless device due to the wireless device not being within service range of the gateway,

the gateway recognizing the at least one text command as instructions to implement a particular delivery protocol from a plurality of delivery protocols, where a different delivery protocol is implemented if a different set of text commands are included with the message.

13. (Currently Amended) A method of sending a message to a user of a wireless device over a wireless network, the method comprising:

receiving the message including a deletion instruction to delete the message if the message is not delivered to the wireless device;

attempting to deliver the message to the wireless device over the wireless network; and

deleting the message, wherein the deletion instruction comprises at least one text command placed within or appended to a body of the message to designate that the message is to be immediately deleted and not maintained in a mailbox for the wireless device if the message is determined to not be able to be immediately delivered to the wireless device ~~not being in present communications with the wireless network due to the wireless device not being within service range of a gateway, the gateway recognizing the at least one text command as instructions to implement a particular delivery protocol from a plurality of delivery protocols, where a different delivery protocol is implemented if a different set of text commands are included with the message.~~

14. (Previously Presented) The method of claim 13, further comprising:
returning the message to a source external to the wireless network, the source being a sender of the message.

15. (Original) The method of claim 14, wherein the message is sent over the Internet through a connection to the wireless network.

16. (Original) The method of claim 13, wherein the message is a text message, and the deletion instruction is included in the message.

17. (Original) The method of claim 13, wherein the deletion instruction is in a header of the message.

18. (Original) The method of claim 13, wherein the message is attempted to be delivered to the wireless device over the wireless network at a predetermined time.

19. (Currently Amended) A method of sending a message to a user of a wireless device over a wireless network, the method comprising:

receiving the message including a deletion instruction to delete the message if the message is not delivered to the wireless device, wherein the deletion instruction is provided by a sender of the message;

determining whether the wireless device is capable of receiving the message immediately; and

deleting the message if the wireless device is not capable of receiving the message immediately, wherein the deletion instruction comprises at least one text command placed within or appended to a body of the message to designate that the message is to be immediately deleted and not maintained in storage for the wireless device if the message is determined to not be able to be immediately delivered to the wireless device due to the wireless device not being in present communication with the wireless network- within service range of a gateway, the gateway recognizing the at least one text command as instructions to implement a particular delivery protocol from a plurality of delivery protocols, where a different delivery protocol is implemented if a different set of text commands are included with the message.

20. (Previously Presented) The method of claim 19, wherein the message is deleted if the wireless device is not presently capable of receiving the message.

Reasons For Allowance

Claims 1-8, 10 and 12-13 are allowable over the prior art of record.

The following is an examiner's statement of reasons for allowance:

This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in the Amendment filed on 6th March 2006 with respect to the amended claim limitations and further amended claim limitations in the Examiner's Amendment filed on 12 June 2006 point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

ADDITIONAL REFERENCES

The examiner as of general interest cites the following references:

- A) Sheldon et al, US Pat. Application Pub No. US 2005/0015451 A1
- B) Ogilvie et al, US Pat. Application Pub No. US 2002/0026487 A1
- C) Ogilvie, US Pat 6,701,347

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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PRIMARY EXAMINER